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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation
and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANTS RIMINI STREET,
INC.'S AND SETH RAVIN'S MOTION
FOR LEAVE TO FILE REPLY IN
SUPPORT OF THEIR MOTION TO
EXCLUDE EXPERT TESTIMONY OF
ELIZABETH A. DEAN**

Trial Date: September 14, 2015

Pursuant to Local Rule 16-3(b), Rimini Street Inc. and Seth Ravin (collectively "Rimini Street") respectfully request leave to file the attached four page Reply in support of their Motion to Exclude Expert Testimony of Elizabeth A. Dean. In support of this motion, Rimini Street states the following:

The attached Reply is necessary to respond to the arguments raised in Oracle's Opposition (D.I. 600) and to clarify factual misstatements made by Oracle. While Oracle's Opposition suggests otherwise, Rimini Street moved to exclude Ms. Dean's testimony in its *entirety*. Dkt. 563. Although Rimini Street's motion focused on Oracle's hypothetical license theory, Oracle's Opposition abandons this theory and focuses on Ms. Dean's lost profit theory. Rimini Street, however, has not had the opportunity to contest the arguments raised in Oracle's Opposition related to Ms. Dean's lost profit theory, and, therefore, Rimini Street requests leave to file the attached Reply.

As detailed in the Reply, Ms. Dean's lost profit theory is highly speculative, and Oracle mischaracterizes Rimini Street's contentions regarding her theory. Oracle's Opposition further mischaracterizes Rimini Street's arguments, asserting that Rimini Street is seeking "a ruling that Oracle cannot prove causation, as a matter of law," and misstates the applicable legal standard that Oracle need not satisfy a "but for" causation test. Each of these contentions by Oracle is incorrect, as set forth in Rimini's Reply.

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2 Finally, the granting of this motion for leave will not prejudice Oracle. Reply briefs are
3 typically permitted in federal practice, and Rimini Street filed this particular motion well before the
4 deadline provided by the local rules given the substantial flaws in Ms. Dean's various damages
5 theories. Because the Court will benefit from a full set of briefs on these critical issues, Rimini Street
6 respectfully requests that the Court grant this motion leave to file the attached Reply in support of
7 Rimini's Motion to Exclude Expert Testimony of Elizabeth A. Dean.

8 Pursuant to Local Rule 16.1-3, counsel for Rimini Street has conferred with counsel for
9 Oracle, and Oracle opposes this motion.

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12 DATED: July 9, 2015

SHOOK, HARDY & BACON

13 By: /s/ Robert H. Reckers
14 Robert H. Reckers, Esq.
15 Attorney for Defendants
16 Rimini Street, Inc. and Seth Ravin

17 **CERTIFICATE OF SERVICE**

18 I hereby certify that the foregoing DEFENDANTS RIMINI STREET, INC.'S AND SETH
19 RAVIN'S MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF THEIR MOTION TO
20 EXCLUDE EXPERT TESTIMONY OF ELIZABETH A. DEAN was filed, on July 9, 2015, with the
21 Court's CM/ECF system which will send notice, via email, to all attorneys registered with the
22 CM/ECF system.

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24 /s/ Robert H. Reckers
25 Robert H. Reckers, Esq.